IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.701 OF 2005
WITH
CRIMINAL APPLICATION NO.702 OF 2005

Mr.Vinod K.Sharda ..Applicant

Vs.

M/s.Chowgule Steamships Ltd.
& Anr. ..Respondents

...

Mr. R.P.Ojha, Advocate for Applicant

Mr. Y.S.Shinde A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**

**DATE : JULY 8,2005**

**P.C.**

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. None appears for respondent no.1 though served.

2. The applicant is seeking quashing of process issued by the learned M.M. 47th Court at Esplanade, Mumbai in C.C.No.263/S/2003 and

317/S/2003. In the said cases, process is issued under Section 138 r.w. 141 of N.I.Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]